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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8810 OF 2004

George Joseph ... Petitioner

V/s.

Shri Nagraj T. Mutha ... Respondent

Mr.S.S. Kulkarni for Petitioner
Mr.A.L. Kumar for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 28, 2005**

P.C.:

. This Petition has been filed for setting aside the decree passed by the trial Court and dismissing the suit. The Petitioner contends that he was in possession of the suit premises as a tenant of the erstwhile landlord K.S. Sethi and S.K. Sethi. He contends that in the year 1992, he allowed the police to use the premises as a police outpost. He was put back in possession on account a letter issued to him by one Rajdeo Singh who claimed to be the constituted attorney of the landlords. On this basis, the Petitioner claims that he is entitled to be declared a tenant of the suit premises.

2. The suit has been filed by the new landlord after the premises were sold by the erstwhile landlords. The appellate Court has considered the fact that the

story of the Petitioner that he was in possession of the suit premises in 1992 and that he willingly gave them to the police Commissioner for being used as a police outpost, free of any charge was unbelievable. The appellate Court has also disbelieved the evidence of the Petitioner.

3. The Petitioner sought to produce a document, purported to be the power of attorney executed by the erstwhile landlords in favour of Rajdeo Singh. The Court has disallowed the production of this document at a belated stage. The Petitioner did not at the initial stage mention anything about the power of attorney being executed or that the erstwhile landlords had appointed a constituted attorney to look after their premises. Reliance placed by the learned Advocate for the Petitioner on the judgment in *Billa Jagan Mohan Reddy & Anr. v/s. Billa Sanjeeva Reddy & Ors.*, **(1994) 4 SCC 659** does not advance his case.

4. In such circumstances, I do not see any reason to interfere with the findings of the appellate Court. Petition dismissed.

5. At the request of the learned Counsel for the Petitioner, status quo as of today shall be maintained

for a period of eight weeks from today.